

IN THE SUPREME COURT OF THE STATE OF DELAWARE

MYRON GIBBS,	§
	§
Defendant Below-	§ No. 673, 2010
Appellant,	§
	§
v.	§ Court Below—Superior Court
	§ of the State of Delaware,
STATE OF DELAWARE,	§ in and for New Castle County
	§ C.A. No. N10M-10-019
Plaintiff Below-	§
Appellee.	§

Submitted: March 25, 2011

Decided: April 12, 2011

Before **STEELE**, Chief Justice, **HOLLAND**, and **RIDGELY**, Justices.

ORDER

This 12th day of April 2011, upon consideration of the parties' briefs and the record below, it appears to the Court that:

(1) The appellant, Myron Gibbs, filed this appeal from the Superior Court's denial of his petition for a writ of habeas corpus. The record reflects that a Superior Court jury convicted Gibbs of second degree rape, fourth degree rape, and offensive touching. The Superior Court sentenced him on September 17, 2010. His counsel filed a direct appeal, which is pending before this Court. On September 2, 2010, Gibbs filed, *pro se*, a petition for habeas corpus relief, which the Superior Court denied. This appeal followed.

(2) After careful consideration of the parties' respective positions on appeal, we find it manifest that the judgment of the Superior Court should be affirmed. In Delaware, the writ of habeas corpus is very limited and only provides relief to obtain judicial review of the jurisdiction of the court ordering the prisoner's commitment.¹ In this case, the Superior Court's commitment of Gibbs is valid on its face, and Gibbs is being held pursuant to that valid commitment.² Thus, there is no basis for a writ of habeas corpus. The issues that Gibbs attempts to raise in this appeal are matters that should be raised in the context of his direct appeal.

NOW, THEREFORE, IT IS ORDERED that the judgment of the Superior Court is AFFIRMED.

BY THE COURT:

/s/ Myron T. Steele
Chief Justice

¹ *Hall v. Carr*, 692 A.2d 888, 891 (Del. 1997).

² DEL. CODE ANN. tit. 10, § 6902(1) (1999).